The opinion in support of the decision being entered today was *not* written for publication and is *not* binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

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Ex parte RANDY P. STANLEY

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Appeal 2007-1576
Application 10/020,398
Technology Center 2100

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Decided: August 27, 2007

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Before KENNETH W. HAIRSTON, ROBERT E. NAPPI, and JOHN A. JEFFERY *Administrative Patent Judges*.

NAPPI, *Administrative Patent Judge*.

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134 of the final rejection of claims 1 through 3, and 5 through 23. For the reasons stated *infra*, we affirm the Examiner's rejection of these claims.

INVENTION

The invention is directed to online meeting software which reduces delays in viewing presentations, by retrieving previously sent slides stored in a local cache in lieu of re-loading the slides from a remote computer. See pages 1, 3 and 4 of Appellant's Specification. Claim 1 is representative of the invention and reproduced below:

1. An article comprising a medium storing instructions that, if executed, enable a first processor-based system to:
  set up an on-line meeting with a second processor-based system;
  receive first information from the second processor-based system, said first information to enable the first processor-based system to determine if it can acquire second information sufficient to display an image, in connection with the on-line meeting, from a cache local to the first processor-based system;
  upon receipt of the first information, utilize the first information to determine whether the second information is stored in a local cache coupled to said first processor-based system; and
  retrieve the second information from the local cache if the second information was locally cached.

REFERENCES

The references relied upon by the Examiner are:

Maddalozzo	US 5,878,218	Mar. 2, 1999
Pitts	US 6,205,475 B1	Mar. 20, 2001
Delaney	US 6,374,289 B2	Apr. 16, 2002 (filed Mar. 26, 2001)

REJECTIONS AT ISSUE

Claims 1 through 3, 8 through 15, and 18 through 22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Delaney in view of Maddalozzo. The Examiner's rejection is set forth on pages 3 through 10 of the Answer.

Claims 5 through 7, 16, 17, and 23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Delaney in view of Maddalozzo and Pitts. The Examiner's rejection is set forth on pages 3 through 10 of the Answer.

Throughout the opinion we make reference to the Brief and Reply Brief (filed August 28, 2006 and December 12, 2006 respectively), and the Answer (mailed November 15, 2006) for the respective details thereof.

OPINION

Appellant argues, on page 10 of the Brief, that the systems of Delaney and Maddalozzo differ from the claimed invention. Appellant states:

> In these caching systems, the first processor-based system decides it wants a certain document and determines before it seeks it externally whether the information is in a local cache. It never receives information from a second processor-based system about something that would be sent if it was not already locally cached. Thus, none of the cited references involve the situation where the second processor-based system has something that it would send and the first processor-based system decides whether or not to accept the transmission or not.

This argument has not convinced us of error in the Examiner's rejection. Representative claim 1 does not recite a limitation that the first processor based system decides whether or not to accept a transmission. Rather, claim 1 recites a first processor receiving information from a second processor. The first information enables the processor to determine if there is sufficient second

information in the first processor's cache to display an image, and to retrieve the second information from the local processor's cache. Maddalozzo teaches a system whereby a first processor checks to see if a requested file is in its local cache. See step 112, figure 5A, and col. 9, ll. 15-21. If the file is in local cache, the processor then establishes the timestamp and check sum for the file and queries other processors in the network to determine if they have a newer version of the file. See step 118 of figure 5A and col. 10, ll. 11-13. If the other processors do not have a newer version of the file they provide information to the first processor indicating that they do not have a newer file. See step 118 of figure 5A, and sub step 128 of figure 5B, and col. 10, ll. 17-20, 55-58. We consider claimed first information to be taught by Maddalozzo's teaching of sending information from the second processor that it does not have a newer version of the file. Maddalozzo teaches that based upon receipt of this information, the first processor retrieves the file (second information) from local cache. See step 135.

Appellant also argues on page 10 of the Brief:

> [N]othing here [referring to Delaney and Maddalozzo] teaches what is claimed which is received first information from the second processor-based system. In other words, the one that would send it sends information to avoid having to send the information.

Appellant makes a similar argument on page 2 of the Reply Brief.

We are not persuaded by these arguments. Initially, we note that independent claim 1 does not recite that the second processor sends first information so that it does not have to send second information as implied by Appellant's arguments. Nonetheless, as discussed *supra,* Maddalozzo teaches that a second processor sends first information identifying if the file (second information) in the first processor's cache is current. If so identified, the skilled

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artisan would have readily recognized that this information would likewise identify that the second information does not need to be sent from the second processor-based system since the file is current in the first processor's cache. Thus, though not claimed, Maddalozzo does teach the second processor sending first information so that it does not have to send second information.

For the aforementioned reasons, Appellant's arguments have not convinced us of error in the Examiner's rejection of claim 1 and we affirm the Examiner's rejection of claim 1.

Appellant has not presented separate arguments directed to claims 2, 3, 8 through 15, and 18 through 22. Accordingly, under 37 C.F.R. § 41.37(c)(1)(vii), we group claims 2, 3, 8 through 15, and 18 through 22 with claim 1 and similarly affirm the Examiner's rejection of claims 2, 3, 8 through 15, and 18 through 22.

Appellant's have not presented separate arguments directed to the Examiner's rejection of claims 5 through 7, 16, 17, and 23 under 35 U.S.C. § 103(a). As claims 5 through 7, 16, 17, and 23 are all ultimately dependent upon claim 1, 12 or 22, we affirm the Examiner's rejection of claims 5 through 7, 16, 17, and 23 for the reasons discussed *supra* with respect to claim 1.

CONCLUSION

The decision of the Examiner is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv) (2006).

AFFIRMED

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